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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 3:19-md-02913-WHO

Honorable William H. Orrick

This Document Relates to:

John Scott Emidy

Case No. 3:19-cv-06905-WHO

JURY TRIAL DEMANDED

**SHORT-FORM COMPLAINT AND DEMAND FOR JURY TRIAL
(PERSONAL INJURY)**

The Plaintiff(s) named below file(s) this *Short-Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Consolidated Master Complaint (Personal Injury)*, in *In re Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 in the United States District Court for the Northern District of California. Plaintiff(s) file(s) this *Short-Form Complaint* as permitted by Case Management Order No. 7 of this Court.

Plaintiff(s) select and indicate by checking-off where requested, the Parties and Causes of Actions specific to this case.¹

Plaintiff, by and through their undersigned counsel, allege as follows:

¹ If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying with the requirements of the Federal Rules of Civil Procedure (see paragraph 11). In doing so you may attach additional pages to this *Short-Form Complaint*.

1 **I. DESIGNATED FORUM**²2 1. Identify the Federal District Court in which the Plaintiff would have filed in the
3 absence of direct filing:4 Western District of Tennessee, Western Division
5 (“Transferee District Court”).6 **II. IDENTIFICATION OF PARTIES**7 **A. PLAINTIFF(S)**8 2. *Injured Plaintiff(s)*: Name of the individual injured due to use of JUUL products:
9 John Scott Emidy
10 (“Plaintiff”).11 3. At the time of the filing of this *Short-Form Complaint*, Plaintiff resides at:
12 Cordova, Tennessee13 4. *Consortium Plaintiff*: Name of the individual(s) that allege damages for loss of
14 consortium:
15 N/A
16 (“Consortium Plaintiff”).17 5. *Survival and/or Wrongful Death Claims*:18 (a) Name and residence of Decedent Plaintiff when he/or she suffered a JUUL
19 related death:
20 N/A21 (b) Plaintiff/Decedent died on:
22 N/A23 (c) Plaintiff is filing this case in a representative capacity as the N/A of the N/A
24 having been duly appointed as such by the Court of N/A.25 **B. DEFENDANT(S)**
2627

28 ² See Case Management Order No. 3, at II(C) (ECF No. 309).

1 6. Plaintiff(s) name(s) the following Defendants in this action

2 JUUL LABS, INC., previously d/b/a as PAX LABS, INC. and PLOOM INC.;³

3 ALTRIA GROUP, INC.;⁴

4 PHILIP MORRIS USA, INC.;⁵

5 ALTRIA CLIENT SERVICES LLC;⁶

6 ALTRIA GROUP DISTRIBUTION COMPANY;⁷

7 ALTRIA ENTERPRISES LLC;⁸

9 **THE MANAGEMENT DEFENDANTS**

10 JAMES MONSEES;⁹

11 ADAM BOWEN;¹⁰

12 NICHOLAS PRITZKER;¹¹

13 HOYOUNG HUH;¹²

14 RIAZ VALANI;¹³

16 **THE E-LIQUID MANUFACTURING DEFENDANTS**

17 MOTHER MURPHY'S LABS, INC.;¹⁴

19 ³ Delaware corporation, with its principal place of business in San Francisco, California.

20 ⁴ Virginia corporation, with its principal place of business in Richmond, Virginia.

21 ⁵ Virginia corporation with its principal place of business in Richmond, Virginia.

22 ⁶ Virginia limited liability company with its principal place of business in Richmond, Virginia.

23 ⁷ Virginia corporation with its principal place of business in Richmond, Virginia.

24 ⁸ Virginia limited liability company with its principal place of business in Richmond, Virginia.

25 ⁹ A resident of California.

26 ¹⁰ A resident of California.

27 ¹¹ A resident of California.

28 ¹² A resident of California.

¹³ A resident of California.

¹⁴ North Carolina corporation, with a principal place of business in North Carolina.

1 ALTERNATIVE INGREDIENTS, INC.;¹⁵

2 TOBACCO TECHNOLOGY, INC.;¹⁶

3 eLIQUITECH, INC.;¹⁷

4 **THE DISTRIBUTOR DEFENDANTS**

5 MCLANE COMPANY, INC.;¹⁸

6 EBY-BROWN COMPANY, LLC;¹⁹

7 CORE-MARK HOLDING COMPANY, INC.;²⁰

9 **THE RETAILER DEFENDANTS**

10 CHEVRON CORPORATION;²¹

11 CIRCLE K STORES INC.;²²

12 SPEEDWAY LLC;²³

13 7-ELEVEN, INC.;²⁴

14 WALMART;²⁵

15 WALGREENS BOOTS ALLIANCE, INC.²⁶

17 **C. PRODUCT USE**

19 ¹⁵ North Carolina corporation, with a principal place of business in North Carolina.

20 ¹⁶ Maryland corporation, with a principal place of business in Maryland.

21 ¹⁷ Maryland corporation, with a principal place of business in Maryland.

22 ¹⁸ Texas corporation with a principal place of business in Texas.

23 ¹⁹ Delaware limited liability company with a principal place of business in Illinois.

24 ²⁰ Delaware corporation. From 2015-2018, principal place of business California; as of 2019, principal place of business Texas.

25 ²¹ Delaware corporation with a principal place of business in California.

26 ²² Texas corporation with a principal place of business in Arizona.

27 ²³ Delaware corporation with a principal place of business in Ohio.

28 ²⁴ Texas corporation with a principal place of business in Texas.

29 ²⁵ Delaware corporation with a principal place of business in Arkansas.

30 ²⁶ Delaware corporation with a principal place of business in Illinois.

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2 7. Plaintiff used JUUL during the time period including from October 2018 to August
3 2019 and that use caused and or substantially contributed to his/her injury.

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5 **D. PHYSICAL INJURY²⁷**

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7 8. The Plaintiff(s) experienced the following physical condition, injury or illness alleged
8 to have been caused and or contributed to as a substantial factor by JUUL:

9
10 ADDICTION

11 NICOTINE POISONING

12 BEHAVIORAL ISSUES/MENTAL HEALTH (check all that apply):

13 ANGER/OUTBURSTS

14 MOOD SWINGS

15 IRRITABILITY

16 SUICIDAL THOUGHTS

17 SUICIDAL ATTEMPTS

18 DEATH BY SUICIDE

19 OTHER (specify): _____

20 COGNITIVE ISSUES (check all that apply):

21 ATTENTION DEFICIT DISORDER

22 LEARNING IMPAIRMENTS

23 LACK OF CONCENTRATION

24 TROUBLE SLEEPING

25 OTHER (specify): _____

26 CARDIOVASCULAR (check all that apply):

27 HEART ATTACK

28
27 Plaintiff(s) must check-off all physical injuries allegedly caused by Plaintiff's use of JUUL. Plaintiff is not
28 required to plead here emotional or psychological injuries, or all manifestations of the physical injury alleged
29 which will be inquired into as part of the Plaintiff's Fact Sheet ("PFS"). This *Short-Form Complaint* assumes
30 that emotional and psychological damages are asserted by the Plaintiff.

1 OTHER CARDIOVASCULAR DIAGNOSIS (specify)
2

3 NEUROLOGIC (check all that apply):

4 SEIZURES
5 STROKE

6 RESPIRATORY/LUNG (check all that apply):

7 ACUTE EOSINOPHILIC PNEUMONIA/PULMONARY
8 EOSINOPHILIA

9 ACUTE INTERSTITIAL PNEUMONITIS OR ACUTE PNEUMONIA

10 ACUTE RESPIRATORY DISTRESS SYNDROME (ARDS)

11 ASTHMA

12 BRONCHITIS

13 CHRONIC LUNG PROBLEMS

14 CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)

15 E-CIGARETTE, OR VAPING, PRODUCT USE ASSOCIATED LUNG
16 INJURY (EVALI)

17 ESPHYSEMA

18 LIPOID PNEUMONIA

19 LUNG TRANSPLANT

20 OTHER SPECIFIED INTERSTITIAL PULMONARY DISEASE

21 PNEUMONIA (any type) (specify): _____

22 POPCORN LUNG/BRONCHIOLITIS OBLITERANS

23 DEATH

24 OTHER PERSONAL INJURIES (specify): _____

25 9. The physical condition, injury or illness alleged in paragraph 7 occurred on or about:
26 after the date that John Scott Emidy first used JUUL as set forth in paragraph 7
27 above.

1 **V. CAUSES OF ACTION ASSERTED**

2 10. The following Causes of Action asserted in the *Plaintiffs' Consolidated Master*
 3 *Complaint (Personal Injury)*, and the allegations with regard thereto in the *Plaintiffs' Consolidated*
 4 *Master Complaint (Personal Injury)*, are adopted in this *Short Form Complaint* by reference:

Check if Applicable	Cause of Action Number	Cause of Action
<input checked="" type="checkbox"/>	I	STRICT LIABILITY - DESIGN DEFECT
<input checked="" type="checkbox"/>	II	STRICT LIABILITY - FAILURE TO WARN
<input checked="" type="checkbox"/>	III	STRICT LIABILITY - MANUFACTURING DEFECT
<input checked="" type="checkbox"/>	IV	PRODUCTS LIABILITY - NEGLIGENT DESIGN
<input checked="" type="checkbox"/>	V	PRODUCTS LIABILITY -NEGLIGENT FAILURE TO WARN
<input checked="" type="checkbox"/>	VI	PRODUCTS LIABILITY – NEGLIGENT MANUFACTURING
<input checked="" type="checkbox"/>	VII	NEGLIGENCE AND/OR GROSS NEGLIGENCE
<input checked="" type="checkbox"/>	VIII	NEGLIGENT FAILURE TO RECALL/ RETROFIT
<input checked="" type="checkbox"/>	IX	NEGLIGENT MISREPRESENTATION
<input checked="" type="checkbox"/>	X	FRAUD
<input checked="" type="checkbox"/>	XI	FRAUDULENT CONCEALMENT
<input checked="" type="checkbox"/>	XII	CONSPIRACY TO COMMIT FRAUD
<input checked="" type="checkbox"/>	XIII	UNJUST ENRICHMENT
<input checked="" type="checkbox"/>	XIV	VIOLATION OF UNFAIR TRADE PRACTICES/CONSUMER PROTECTION LAW and specify which state's statute below <u>The Tennessee Consumer Protection Act of 1977.</u>
<input checked="" type="checkbox"/>	XV	BREACH OF EXPRESS WARRANTY
<input checked="" type="checkbox"/>	XVI	BREACH OF AN IMPLIED WARRANTY OF MERCHANTABILITY

Check if Applicable	Cause of Action Number	Cause of Action
<input type="checkbox"/>	XVII	WRONGFUL DEATH
<input type="checkbox"/>	XVIII	SURVIVAL ACTION
<input type="checkbox"/>	XIX	LOSS OF CONSORTIUM

7 **VI. ADDITIONAL CAUSES OF ACTION**

8 **NOTE**

9
10 If Plaintiff wants to allege additional Cause(s) of Action other those selected in paragraph 10, the
11 specific facts supporting any such additional Cause(s) of Action, must be pled in a manner complying
12 with the requirements of the Federal Rules of Civil Procedure (see paragraph 11). In doing so you may
13 attach additional pages to this *Short-Form Complaint*.

14 11. Plaintiff(s) assert(s) the following additional theories against the Defendants
15 designated in paragraph 6 above:

25 **WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants for
26 compensatory, treble, and punitive damages, medical monitoring to diagnose JUUL induced injuries
27 at an earlier date to allow for timely treatment and prevention of exacerbation of injuries, together
28

1 with interest, costs of suit, attorneys' fees, and all such other relief as the Court deems proper, and
 2 such further relief as the Court deems equitable and just, and as set forth in the *Plaintiffs'*
 3 *Consolidated Master Complaint (Personal Injury)*.

4 **JURY DEMAND**

5 Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

7 Respectfully submitted,

8 **FLEMING, NOLEN & JEZ, LLP**

9 /s/ Rand P. Nolen
 10 Rand P. Nolen (admitted *pro hac vice*)
 11 ATTORNEY-IN-CHARGE
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 13 Houston, Texas 77056
 14 Telephone: (713) 621-7944
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 16 rand_nolen@fleming-law.com

17 R. Keith Morgan (admitted *pro hac vice*)
 18 Lalor Aby & Morgan, PLLC
 19 230 Trace Colony Park Drive, Suite 4
 20 Ridgeland, MS 39157
 21 Telephone: (601) 898-2000
 22 Facsimile: (601) 326-9743
 23 kmorgan@lamattys.com

24 Attorneys for Plaintiffs

25 **CERTIFICATE OF SERVICE**

26 I hereby certify that on April 13, 2020, a copy of the foregoing was served electronically and
 27 notice of the service of this document will be sent to all parties by operation of the Court's electronic
 28 filing system to CM/ECF participants registered to receive service in this matter.

29 /s/ Rand P. Nolen
 30 Rand P. Nolen